DEMAND XXII - MISCELLANEOUS.

MR. P. N. KRISHNA PILLAI (*Secretary to Government*): I rise to move for a grant not exceeding Bh. Rs. 16,000 for payment in respect of the purchase of 800 copies each of volumes II and III of the revised edition of the Regulations and Proclamations of Travancore.

MR. S. PIRAVIPERUMAL PILLAI (*Commerce and Industry, South*): I rise to a point of order. I wish to know how this can be a supplementary grant. According to May's Parliamentary practice and according to our Rules and Standing Orders the procedure to be adopted is as follows: —"A supplementary estimate may be presented either for a further grant to a service already sanctioned by Parliament in addition to the sum already demanded for the current financial year or for a grant caused by a fresh occasion for expenditure that has arisen since the presentation of the sessional estimates."

Here Sir, this occasion has arisen two years before. Government gave an undertaking two years ago according to the Chief Secretary's letter which I received yesterday. Two budgets have been passed since then. The next point is, we have already not given the grant. Then how can this be a suppementary grant when there is no original grant. So, as a custodian of the rights and privileges of this House, I request you to rule this supplementary grant out of order.

MR. K. N. RAMASUBBA AIYAR (*Financial Secretary to Government*): Sir, the member proceeds under the assumption that the budget makes a demand for every specific item of expenditure which the Government have to incur in the year. That is not a fact. Under 'Miscellaneous' a demand was presented in the House and the House gave a vote for a certain sum under that head.

MR. S. PIRAVIPERUMAL PILLAI (*Commerce and Industry, South*): According to May's Parliamentary practice what I point out is this: "According to established usage, demands for grants on account are restricted to such services as have received the sanction of Parliament, though an exception is occasionally made to this rule in favour of trifling or non-contentious new services.

This is not a trifling or non-contentious service to go away from the usage of Parliamentary procedure.

MR. K. N. RAMASUBBA AIYAR (*Financial Secretary to Government*): The question is not that. A sum of money was granted under 'Miscellaneous' and out of that sum Government have paid only the price of one volume extending to a certain period.

MR. S. PIRAVIPERUMAL PILLAI (*Commerce and Industry, South*): And what about the Government giving an undertaking for Rs. 40,000—

MR. K. N. RAMASUBBA AIYAR (*Financial Secretary to Government*): I have not completed my point. For the present, Government have incurred only the liability of one volume, and that from the sum voted by the House under demand 'Miscellaneous'.

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MR. K. P. NILAKANTA PILLAI (*Chirayinkil*) : May I know whether the Government sanctioned only the printing of the volumes, or was there any undertaking that the Government should purchase so many volumes ?

MR. K. N. RAMASUBBA AIYAR (*Financial Secretary to Government*): The member in charge of the subject will be able to explain that more clearly.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : As regards the point of order raised the rules relating to supplementary grants are clear and are as follows :—" An estimate shall be presented to the Council for a supplementary or additional grant when—

(i) the amount voted in the Budget for a grant for which the vote of the Council is necessary is found to be insufficient for the purpose of the current year, or

(ii) a need arises during the current year for expenditure for which the vote of the Council is necessary upon some new service not contemplated in the Budget for that year."

Now this is a service which was either contemplated in the original Budget or not contemplated. If it was contemplated and an amount sanctioned for it, it has been insufficient and the supplementary demand comes under the first class. If the service was not contemplated, it is a new service and the demand comes under the second class. In either case, the supplementary demand is quite in order.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): With respect of the point of order raised I request I also may be heard. According to the interpretation put upon the provision by the Law Member, it comes to this ; no supplementary demand, however made, at whatever stage, will be out of order. For he says if it is such that the demand was under contemplation at the time of the Budget that can be treated as a supplement to the original grant. If it was not contemplated a new service arises. Therefore in any case a supplementary grant may be placed before the House for sanction. Such an interpretation, I beg to submit, is reasoning in a very vicious circle. The question is whether the purchase was contemplated at the time when the Budget was presented before the House. There are various indications to show that the purchase was contemplated. For example in connection with the High Court something like Rs. 8,000 was provided for purchase of books. With respect to other departments also, there is specific provision, and then unknown to Government how would a demand probably arise ? So now resort is made to the miscellaneous head. From out of this miscellaneous head when the Government did not find another source, they seem to have paid some money for the first volume. Can it be said that because they paid some money out of 'miscellaneous' a new service has arisen for the first time. At this stage my submission is that it is very difficult to consider this as a new service which has arisen for the first time. I quite agree with Mr. S. Piraviperumal Pillai.

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MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : Then, cannot it be treated that the sum sanctioned has been found insufficient.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*) : I am quite sure all these books are not going to be utilised by the Huzur Secretariat. You see under various heads purchase of books included.

MR. S. PIRAVIPERUMAL PILLAI (*Commerce and Industry, South*) : Is purchase of books considered as a separate item ?

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*) : It has been separately dealt with in the Budget. So to say for the first time a new service has arisen is not correct. Government are generous and they are going to freely distribute these books to various departments. This is a different matter. This particular matter was not placed before the House at all. So far as this item is concerned we were completely in the dark. For all these reasons the sustainability of this motion is not at all clear. I am entirely at one with Mr. Piraviperumal Pillai.

PRESIDENT : Mr. P. K. Narayana Pillai, in regard to the subject of interpretation of the term '*supplementary grant*' you have heard what the Law Member had to say, and you have also heard what the Financial Secretary had to say in respect of the demand. I may explain the position to be this. A supplementary demand is a demand which arises after the formation of the Budget and the passing of the Budget, to supplement the Budget requirements as a whole. In order to supplement the Budget as a whole the demand has to be placed in some compartment or other of the Budget and that is why it is brought under one particular head or another. The general position in regard to a supplementary demand is that it is intended to supplement the amount, sanctioned in the Budget *as a whole*, at a later date. In that view this supplementary demand is admissible and in order.

There is one more point which will perhaps allay one or two of the members' misapprehensions. This grant is not the final payment out of new funds. The publication is required and is necessary practically in every branch of the administration in the Revenue, the Magisterial, Judicial, Civil Law and everywhere each of which possesses money at its disposal for buying books. All that the Government are now doing is simply acting as a sort of wholesaler, obtaining the publication on satisfactory terms from the producer and distributing them among the various—if I may use the term—consumers of this publication. The money will come back eventually by readjustment and this sum of Rs. 16,000 and odd now asked for will be replaced by the grants that have been made to the several departments for the purchase of books and contingencies by adjustment.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*) : The demand remains to be moved, because Mr. Piraviperumal Pillai moved only a point of order before the demand was made.

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MR. P. N. KRISHNA PILLAI (*Secretary to Government*): The Regulations and Proclamations were published for the last time only in 1095. After that several Regulations and rules thereunder have been passed and so many old Regulations have also been amended. The new Regulations and amendments to the old Regulations do not find a place in the existing volumes. It is therefore necessary to have up-to-date edition of these books for purposes of reference. Mr. Krishnaswami Aiyar, retired Professor of Chemistry and Mr. Ramalingom Aiyar applied to Government for sanction to publish an up-to-date edition of these volumes.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): May I know whether there were any other applications?

MR. P. N. KRISHNA PILLAI (*Secretary to Government*): There was one more application, but that was subsequent to that of Mr. Krishnaswami Aiyar.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): Was the other applicant a lawyer?

MR. P. N. KRISHNA PILLAI (*Secretary to Government*): Yes.

MR. S. PIRAVIPERUMAL PILLAI (*Commerce and Industry, South*): May I know whether at any time the Government made it known to the public that they have an intention of giving permission for the republication of this Regulations and Proclamations?

MR. P. N. KRISHNA PILLAI (*Secretary to Government*): There was no advertisement.

MR. KURANDIPALLIL R. RAMAN PILLAI (*Quilon*): May I know whether these publishers have anything to do with the newspaper 'Critic'?

MR. P. N. KRISHNA PILLAI (*Secretary to Government*): Yes.

MR. KURANDIPALLIL R. RAMAN PILLAI (*Quilon*): How are they connected with the newspaper?

MR. P. N. KRISHNA PILLAI (*Secretary to Government*): I do not exactly know whether they are editors or proprietors.

MR. K. MADHAVAN PILLAI (*Trivandrum cum Neduvangad*): Is the Critic newspaper now being published?

MR. P. N. KRISHNA PILLAI (*Secretary to Government*): It is not being received now.

This permission, applied for by Messrs. Krishnaswami Aiyar and Ramalingom Aiyar, was granted and the Government also undertook to purchase 800 copies of these volumes provided they satisfied certain conditions as to their realiability as reference books and provided the get-up was satisfactory and the publication afforded information on all points which a lawyer may require for reference. The first volume was issued in June 1927.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): May I know the price of one volume?

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MR. P. N. KRISHNA PILLAI (*Secretary to Government*) : Each volume is priced separately. The first volume has been priced at Bh. Rs. 10.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*) : May I know approximately the number of volumes ?

MR. P. N. KRISHNA PILLAI (*Secretary to Government*) : Say, 4, or 5.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*) : What is the price at which the first volume is sold to the general public ?

MR. P. N. KRISHNA PILLAI (*Secretary to Government*) : The same price, Bh. Rs 10.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*) : Does the Government stand to gain anything by undertaking to purchase eight hundred copies ? My question is whether there is a concessional rate so far as the Government's purchase is concerned.

MR. P. N. KRISHNA PILLAI (*Secretary to Government*) : No.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): May I know whether the Government have ascertained what would be the exact cost price of each volume of these publications ?

MR. P. N. KRISHNA PILLAI (*Secretary to Government*): Yes. We consulted the expert about the get-up, and as regards the matter contained we had the foreword from distinguished lawyers of our State.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*) : I do not entertain any doubt as to the merits of the publication. I ask what is the actual cost of the printing and binding, etc.

MR. P. N. KRISHNA PILLAI (*Secretary to Government*) : The publishers fixed the cost price at a higher rate, but the Government reduced it after comparing it with rates obtained from their standpoint.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*) : Is there any figure as to the exact cost price ?

MR. P. N. KRISHNA PILLAI (*Secretary to Government*) : I cannot give figures for every detail.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*) : I shall be satisfied with the cost price for each copy of a volume.

MR. P. N. KRISHNA PILLAI (*Secretary to Government*) : It is Bh. Rs. 10.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*) : Am I to understand that the publishers are selling for the cost price ?

MR. P. N. KRISHNA PILLAI (*Secretary to Government*) : The get-up of the book itself will cost about Rs. 3 and 12 chs. per copy. That is what the Superintendent of the Government Press says in his letter. There are also other expenses. Government considered all these and fixed the price at Bh. Rs. 10 for the first and the second volumes. It is understood that the third volume will also be out very shortly. Government propose to have eight hundred copies of the second and third volumes as per their undertaking. Both these together cost about Bh. Rs. 16,000.

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MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): May I know whether the third volume is out?

MR. P. N. KRISHNA PILLAI (*Secretary to Government*): It will be out shortly.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): So it is not definitely known that it will be out immediately. There is therefore no urgency about it as to necessitate a supplementary grant.

MR. P. N. KRISHNA PILLAI (*Secretary to Government*): It will be out before the close of this Malabar year. So the need is urgent. I therefore hope that the House will be pleased to sanction the sum of Rs. 16,286 for these two volumes together.

PRESIDENT: There is a motion which stands in your name Mr. Piraviperumal Pillai.

MR. S. PIRAVIPERUMAL PILLAI (*Commerce and Industry, South*): Mr. K. P. Nilakanta Pillai's motion comes first.

MR. V. SUBBA AIYAR (*Nominated*) (*Deputy President*): Mr. Piraviperumal Pillai's motion is to delete the whole. So he should come first.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): That covers the other motion of Mr. Nilakanta Pillai.

PRESIDENT: Yes, the greater includes the less.

MR. S. PIRAVIPERUMAL PILLAI (*Commerce and Industry, South*): Sir, in the Finance Committee also it fell to my lot to bell the cat in regard to this grant. Here also I have to do it. My reason for proposing the deletion of this grant is that the Government have not done what they ought to have done with regard to the republication of these Regulations. In the first instance, when they decided upon republishing these Regulations they ought to have made their intention known to the public so that printers and publishers like the Manorama Press, the Samadarsi Press, the Reddiyar Press or the compilers of the Law Journal, could have had the opportunity of giving their tenders. Moreover, in this case, since it is a Government publication, some publishers, like the Law Printing House, Madras, would have offered to give the Government even a Royalty in which case the Government would not have had any necessity for this expenditure at all. All these aspects of this question the Government have not considered. They made their undertaking without the knowledge of anybody and, to be brief, without getting the legal sanction of this Council. The books may be necessary and the Government might have given the undertaking. But, as members of this Council and as representatives of the people, it is our duty on principle to see that this grant is not made. Tomorrow we have to face the electorate. They will ask us "What have you done"? Government have spent Rs. 16,000 without inviting tenders and without getting your sanction. What have you done with regard to that? What shall I say to them? I must be in a position to say 'I opposed it. I did everything in my power to see tha the grant is not made'.

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MR. M. SIVATANU PILLAI (*Tovala*): May I know whether the member considers this as the opportunity to seek the proper answer from this House and then to answer the electorate?

MR. S. PIRAVIPERUMAL PILLAI (*Commerce and Industry, South*): I do not understand the member at all.

MR. M. SIVATANU PILLAI (*Tovala*): May I know whether he seeks this opportunity to get the proper answer so that he may give it to the electorate, and then congratulate himself?

MR. S. PIRAVIPERUMAL PILLAI (*Commerce and Industry, South*): I have sought several opportunities like this so that I might be in a position to answer the electorate satisfactorily. This is not the first or the last opportunity.

Sir, through you, I would therefore ask all the elected members of this House, at least those of them who mean facing the electorate the day after tomorrow after the Council is prorogued tomorrow, to join me and throw out the demand. I would even appeal to the President to give me his casting vote. The Government might have made the undertaking. If that be so let the Dewan certify the amount. My only point is that on principle this Council ought not to sanction this demand.

MR. M. SIVATANU PILLAI (*Tovala*): What does the member say in regard to the members who do not propose to face the electorate?

MR. S. PIRAVIPERUMAL PILLAI (*Commerce and Industry, South*): Let them do as they like.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): What does the member say in regard to the value of the book?

MR. S. PIRAVIPERUMAL PILLAI (*Commerce and Industry, South*): I have nothing to say in regard to that. The Dewan, in the Finance Committee, said that he had even reduced the price from what was demanded by the publishers. That may be true. The Government have also given the undertaking. That also may have to be fulfilled. But my point is that the House cannot, on principle, sanction this grant. Let the Dewan certify it if he thinks it necessary.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): I also wish to oppose this demand, but that is on another aspect of the question which I have to bring to the notice of this House.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): Mr. K. P. Nilakanta Pillai has limited himself to a small portion of the demand. Can he now change his position?

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): I have decided not to make the motion that stands in my name.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): It is open to Mr. K. P. Nilakanta Pillai to speak on the motion of Mr. Piraviperumal Pillai.

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MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): The learned Law Member put a question to Mr. Piraviperumal Pillai inviting his opinion as to the merits of the publication. I may say there is no question about it. The book is highly necessary to the public, to the Government and to all practising lawyers. When the learned mover moved for the supplementary grant I asked him the question whether there was any lawyer who applied for permission to republish these Regulations, and he said that there was at least one application from among the lawyers. As my friend Mr. Piraviperumal Pillai put it, if tenders had been called for, many would have applied and the Government would have gained by that. That opportunity was not given. In the same way, if notice had been given of the intention of Government, many lawyers would have come forward with offers. I have not carefully examined the volumes that have already been published. All the same, I may say there may be lawyers who may be in a position to publish them even in a better way than they have now been published. I cannot therefore subscribe to the opinion that this is the *best* publication of the Regulations from all aspects.

MR. S. PIRAVIPERUMAL PILLAI (*Commerce and Industry, South*): I may say, by way of personal explanation, that I never said that this was the best publication.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): As there are many lawyers in this country several of them would have come forward and undertaken this publication, and some of them would have been in a position to do it even better than it has been done now. Opportunity was not given for that.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Does the member say that better books could be got for the same price?

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): I do not care for the price. There is a tendency on the part of the Travancore Government to go in for cheap things.

It is for the quality and not for the quantity that we should pay. Even a Lawyer would have come forward and undertaken the work, and provided the book is more useful we should not have grudged to pay for it. Firstly nobody knew whether there was such a publication undertaken by these publishers and the public was not given an opportunity to come forward and help in the publication of these volumes and at least when there was an offer from a lawyer who applied to publish these volumes the Government ought to have been more considerate towards that applicant as he is expected to have more legal equipment which is necessary for a work like this.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): May I remind the member that it has been stated that that application was received after the affair was settled?

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): Whether it was received after that or not, my point is that the general public were not

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in a position to know whether anybody was willing to undertake the publication of these volumes. Therefore everybody was kept in the dark as to the coming of the publication of these volumes. That is my grievance. The Government say that they reduced the price and that may be all right. But with regard to the general scale of production and the get up there would have been others who would be willing to sell the volumes on a much reduced price. Anyhow, as the matter involves a big expenditure of Rs 40,000 and more a wide publicity ought to have been given in these matters.

MR. S. PARAMESVARA AIYAR (*Dewan Peishkar, Trivandrum*): Is the member aware that one of the publishers has had some previous experience in legal publications?

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): On the other hand I know one is a retired professor of Chemistry and the other somebody else—

MR. S. PARAMESVARA AIYAR (*Dewan Peishkar, Trivandrum*): It is about that somebody else I referred to. He has collected and published in the form of a book all the criminal circulars.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): As a matter of fact anybody can do it as not much wisdom is required therefor. But in the matter of reviewing the whole case law and to know the various up-to-date decisions a knowledge of law is required. But for collecting the criminal circulars and putting them into a volume even a layman will be able to do it. My submission is that if an expert lawyer who knows the recent cases had been employed to bring forward the publication, it would have been more useful to the public.

MR. G. RAMAN MENON (*Mavelikara* cum *Kartikapalli*): Sir, I also support the motion brought forward by Mr. Piraviperumal Pillai. The grounds on which I support the motion are slightly different from those brought forward by the previous speakers. I wish to consider the question from the point of view of the general public including the lawyers as well as others. Certainly the lawyers are the largest purchasers of these volumes, so their case has to be considered specially. But they are merely the representatives of the public in these matters. If I remember correctly, the last edition of these Regulations and Proclamations was issued in 1924. Now it is only barely 4 years since its publication. The lawyers as well as other members of the public are now forced to buy another set of 4 or 5 volumes. I strongly object to this. Even considering the fact that lawyers alone buy these publications, they will indirectly affect the public also. If they are to buy new books at every stage they will try to get bigger fees from the clients. Anyhow this policy of frequently issuing fresh publications unnecessarily has to be condemned. The Government is bound to supply the public with the copies of the Regulations and Proclamations.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): Gratis?

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MR. G. RAMAN MENON (*Mavelikara* cum *Kartikapalli*): It is taken by courts of law that ignorance of law is no excuse. So whatever law is passed by the Government they should supply copies of the laws to the public as cheaply as possible. Here it seems to be the reverse policy that has been followed during recent years. In about 4 years or so a fresh publication is issued and the lawyers as well as the public who have to purchase the books are put to the necessity of spending some money.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): May I tell the member that for a few chackrams any person can buy from the Government Press copies of any Regulation or Proclamation or the rules issued thereunder?

MR. G. RAMAN MENON (*Mavelikara* cum *Kartikapalli*): That may be. When publications are available in the Press it is another reason why the present publication is unnecessary. Let that rest. The duty of the Government is not to put the public to unnecessary loss. So all these publications periodically issued should only be such as to supplement the earlier publications. If there have been some changes from the last four volumes only those changes need have been included in the fresh publications and not the whole revision of the volumes as it is an unnecessary labour and expenditure.

PRESIDENT: I must call the member to a point of order. He is talking as if it is a Government publication for which the Government is responsible. It is a private publication and therefore to discuss the attitude of Government in regard to the publication is irrelevant.

MR. G. RAMAN MENON (*Mavelikara* cum *Kartikapalli*): What I wish to press on the attention of the House is that the Government should not encourage unnecessary expenditure especially in the case of necessary books such as Regulations and Proclamations. So if the publication is rendered necessary owing to the changes subsequently introduced, it should have been confined to those portions which require revision so that the old publications might be supplemented.

PRESIDENT: You must keep to your point. All this is irrelevant.

MR. G. RAMAN MENON (*Mavelikara* cum *Kartikapalli*): If all the volumes are revised, the general public may consider the old ones as out of date. Here the point brought forward by the present proposal is that the Government have actually been encouraging certain publishers to issue fresh publication of the whole. So I consider that such an expenditure is not in the interests of the public. It entails unnecessary expenditure on the public. If at all the Government thought a fresh publication is necessary they should have confined it to the necessary addition so as to supplement the older ones.

MR. A. K. PILLAI (*Karunagapalli*): Is he objecting to the publication of the book or the purchase of the book by the Government.

MR. G. RAMAN MENON (*Mavelikara* cum *Kartikapalli*): I object to the purchase of the present books by the Government because by doing so we are encouraging this sort of frequent new publications.

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MR. A. K. PILLAI (*Karunagapalli*): May I know whether the member suggests that the publication was undertaken on the condition or of any hope that the Government would take so many copies?

MR. G. RAMAN MENON (*Mavelikara* cum *Kartikapalli*): Certainly I think so. Otherwise the publishers would not have gone to the extent of spending so much money upon it especially when the last edition was in 1924. I consider that it was an encouragement by the Government that led to the publication of these volumes. So on that ground and on the ground that in the interests of the general public they should not be put to any unnecessary expenditure very often, I oppose this grant.

MR. A. K. PILLAI (*Karunagapalli*): May I tell the member that it is not at all obligatory on the part of the general public to buy these books?

MR. G. RAMAN MENON (*Mavelikara* cum *Kartikapalli*): It may not be. But so long as these fresh volumes are available others would be considered as out of date and they will be induced to buy these up-to-date publications.

MR. V. SUBBA AIYAR [*Nominated (Deputy President)*]: As one who has gone through the books I think I must say a few words. I do really sympathise with Mr. Piraviperumal Pillai that as the life of the present Council is at its last breath he has to face the electorate and that he must necessarily say something to the electorate, as he put very bluntly, that he did something to oppose the Government whenever he could do so. It was in that spirit that he has moved his motion to oppose the demand. He has absolutely nothing to say against the book. That, I beg to submit, cuts the ground off the feet of both Mr. Piraviperumal Pillai and Mr. Nilakanta Pillai. We have to judge of a publication by its real worth.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): May I know whether it is the opinion of the member that it is the best publication in the world?

MR. V. SUBBA AIYAR [*Nominated (Deputy President)*]: I am coming to that in a minute. It will compare favourably with a publication that a lawyer can produce.

MR. K. MADHAVAN PILLAI (*Trivandrum* cum *Neduvangad*): Is it the best publication so far issued?

MR. V. SUBBA AIYAR [*Nominated (Deputy President)*]: Certainly. Mr. Piraviperumal Pillai suggested that it would have been better if the Government had advertised that they were going to have the Regulations and Proclamations republished and invited tenders and accepted the lowest bidder. Whether that will be a proper safeguard I doubt, because every publisher undertakes a work with a view to make some profit. So if it is given to the lowest bidder it is his lookout to see that he makes his gain some how or other and the result is the labour will be bad or the get-up will be bad.

MR. G. RAMAN MENON (*Mavelikara* cum *Kartikapalli*): May I know whether it is obligatory on the Government to give it to the lowest bidder.

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MR. V. SUBBA AIYAR [*Nominated (Deputy President)*]: I am coming to that. It is not the case of Government undertaking any publication and the Government publishing it themselves. But what took place was that in the present case the Government said that it was open to the publishers to publish it. They also said that if the publication is certified as up-to-date and good by competent judges the Government would take so many copies at a price which they may fix.

MR. M. SIVATANU PILLAI (*Tovala*): If that is the intention on the part of the Government in publishing these, is not such a publication necessary so that it may be brought to the attention of the public?

MR. V. SUBBA AIYAR [*Nominated (Deputy President)*]: What the Government had in mind I am not in a position to say and Mr. P. N. Krishna Pillai should be asked about it. My point is that when the Government allowed the publishers to publish the books they were on a very safe ground. It was open to them to reject it at any moment if there was any defect in it. The publishers were not entitled to fix their own price and cannot make undue profit.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): May I know whether at the time they were given permission to publish these volumes there was any undertaking on the part of Government to purchase a certain number of copies?

MR. V. SUBBA AIYAR [*Nominated (Deputy President)*]: Probably so. I have not read the correspondence.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): May I know whether there are other publishers who stand by open competition?

MR. V. SUBBA AIYAR [*Nominated (Deputy President)*]: That I do not know.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): May I know whether the publishers of the Limitation Regulation or the Marumakkathayam Law or the Chitty Regulation did depend upon a grant or a promise on the part of the Government to purchase so many books?

MR. V. SUBBA AIYAR [*Nominated (Deputy President)*]: The only answer that I can give is that I have read and gone through those books and I believe that they will be one third or one fourth of the present publication and they charge Rs. 5 to 7 or so.

It was open to Government to ask a person whether he will satisfy the Government and, if so, they will take a certain number of copies.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): Is it after seeing the volume that the Government said that they would take copies.

MR. V. SUBBA AIYAR [*Nominated (Deputy President)*]: They undertook to purchase 800 copies subject to the following conditions.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): May I know his source of information?

MR. V. SUBBA AIYAR [*Nominated (Deputy President)*]: From the publishers themselves.

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MR. S. PIRAVIPERUMAL PILLAI (*Commerce and Industry, South*): Is it not a fact that if the intention of the Government had been known to the public several people would have come forward and their rates could be obtained?

MR. V. SUBBA AIYAR [*Nominated (Deputy President)*]: What does it matter? We are concerned only with three things, the necessity, the contents and the get-up of the books. We are not concerned whether A publishes it or B publishes it.

MR. S. PIRAVIPERUMAL PILLAI (*Commerce and Industry, South*): Are we not concerned whether our money is not unnecessarily spent? If there were several men in the field, say, A, B, C, and D offers a royalty to Government, will it not be advantageous for us to accept it?

MR. V. SUBBA AIYAR [*Nominated (Deputy President)*]: When we get such men as Mr. S. Piraviperumal Pillai has in contemplation, it will be time enough to consider it. But I believe the present time is not such a one and we will have to wait long when people will come in and pay royalty for publishing the book. So far as the necessity for the book is concerned, I do not think there is any doubt, excepting that of Mr. Raman Menon. I do not know whether he has gone through the whole book. I say it is more to the interest of this House than to that of the lawyers that the book has come out.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): Will not the members be supplied with copies?

MR. V. SUBBA AIYAR [*Nominated (Deputy President)*]: Of course, if they pay for it. In the previous Council the members were supplied with copies of these Regulations and Proclamations and they were to be returned when they ceased to be members. I do not know whether the same thing will be done now. Every member has to take part in the discussion for amending the various Regulations that are in force. The present compilation, unlike its predecessors, gives the objects and reasons of the various enactments and amendments to the various Sections, the judicial pronouncements upon them; and also, where they differ from the British Indian enactment, it shows how it differs; in other words, it gives everything necessary for a legislator to know, *viz.*, why a certain provision was put in and how it is necessary to amend it and how the judiciary has interpreted it, etc. These things you will find in the present publication.

MR. G. RAMAN MENON (*Mavelikara* cum *Kartikapalli*): Are all the three volumes now available to the public?

MR. V. SUBBA AIYAR [*Nominated (Deputy President)*]: Two volumes are now available. I understand from Mr. P. N. Krishna Pillai that the third volume will be soon available. It is necessary for every lawyer and for every court. The clients are always the best judges in

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[Mr. V. Subba Aiyar.]

these matters. They take care to see whether a lawyer is up-to-date and whether he knows all the judicial decisions, the objects of the enactments and all that before they engage him. And I should think that the bar is a place where communal interests are not brought in and every person knows whom he should engage. Therefore, Sir, it is absolutely necessary that a lawyer should be up-to-date. If he is up-to-date, the courts should also be up-to-date. Therefore, the Government should supply the courts with such a publication. For the legislature also, as I said, it is equally necessary. And when such a publication has been brought out by the publishers I do not know whether the Government would be going out of their way if they purchased these books. If there is necessity for the book and if the book is really worth the amount, I doubt whether there should be any opposition. I challenge anybody to say whether the Government, after all, were very liberal in dealing with the publishers when they fixed the price at Rs. 10. The printing, the paper and get- up of the book leaves nothing to be desired. And what about the labour spent upon it? My friend Mr. P. K. Narayana Pillai was very much in support of lawyers. Of course, I belong to that class, and I am very much partial to them, but I doubt whether any lawyer would have done better in the circumstances. It is not the case of a lawyer writing a treatise where his legal acument would be at play. It is only the case of collecting and putting them in proper order and presenting to the public.

MR. S. PIRAVIPERUMAL PILLAI (*Commerce and Industry, South*): May I know whether anybody else will not be able to do it?

MR. V. SUBBA AIYAR [*Nominated (Deputy President)*]: Anybody who has got brains will be able to do it, and I belive the publishers have got brains.

MR. M. SIVATANU PILLAI (*Tovala*): May I know whether that is the monopoly of any particular individual?

MR. V. SUBBA AIYAR [*Nominated (Deputy President)*]: No.

MR. M. SIVATANU PILLAI (*Tovala*): For any work to be executed is it not very desirable to notify it by asking for tenders?

MR. V. SUBBA AIYAR [*Nominated (Deputy President)*]: I say calling for tenders is always objectionable, for this reason, *viz.*, if you accept tenders it will be very difficult for a person to make a profit and publish a book. There must be something wrong somewhere. If upon this contract the Government do not buy the books and the publishers go to court they will be out of court for this reason, *viz.*, that the Government are at liberty to say that it is only after the publication is out and if it is satisfactory they are compelled to buy it. I do not know what difficulty there is to prevent the Government from purchasing this book under the circumstances. I know as a matter of fact that for the High Court and for the Law Officers' library and every other library an allotment of Rs. 2,000 or 3,000 is made, and the Heads of Departments are at liberty to purchase the very best publication they choose.

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MR. M. SIVATANU PILLAI (*Tovala*) : Could not the Government be satisfied with the terms before the publication of the book ?

MR. V. SUBBA AIYAR [*Nominated (Deputy President)*] : Here it is only after the publication. The publishers send a copy to the Government before publication : the Government go through it and allow some margin for profit and fix the price. It is not a case of fixing the price before publication, it is a case of publishing the book and then fixing the price.

MR. S. PIRAVIPERUMAL PILLAI (*Commerce and Industry, South*) : May I know whether all these conditions could not have been published and the people invited in order to get the best and pay ?

MR. V. SUBBA AIYAR [*Nominated (Deputy President)*] : As for that there will be always some one to take it. If one publisher takes it another man cannot take it up. There can always be only one publisher at a time. If so, the question will be whether it should be by tender before publication or after publication. I say the position of the Government is more advantageous now. Because the Government are at liberty to say "these books are useless. Why should we undertake to agree to buy unconditionally 800 copies of the books ? After examining the books, if we are satisfied that the books are valuable, we will purchase so many copies." The question is whether the Government are justified in buying a publication useful to lawyers, courts and the legislature. I for one would say that they are. As I said, even the heads of departments are at liberty to purchase such books. So long as I was in office I had Rs. 1,500 or Rs. 2,000 allotted for purchase of books and I used the amount for purchasing the best books that were worth going in for. Similarly, these books were purchased. If there is anyone in this House who is prepared to say anything against the contents, about the get-up, I can understand it. But if nothing can be said and if the book is quite satisfactory and properly valued, I do not know what objection there can be to purchasing this publication.

MR. M. SIVATANU PILLAI (*Tovala*) : Does he mean to suggest that the publishers have undertaken this for nothing ?

MR. V. SUBBA AIYAR [*Nominated (Deputy President)*] : They are going to sell about 1,500 or 2,000 copies ; they must be fools to undertake all this labour without some profit. Probably the price, the Government have fixed, will not leave a large margin of profit.

MR. M. SIVATANU PILLAI (*Tovala*) : Could not the Member think that there may be others who will be satisfied with less profit ?

MR. V. SUBBA AIYAR [*Nominated (Deputy President)*] : I doubt very much. That is a hypothetical matter.

MR. M. SIVATANU PILLAI (*Tovala*) : Could not competition make this cheaper for the Government ?

MR. V. SUBBA AIYAR [*Nominated (Deputy President)*] : The question of competition does not arise. If A undertakes to publish a book

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[Mr. V. Subba Aiyar.]

and sends to a friend of yours a sample copy recommending the same will he not purchase it? So also the Government go in for the book after seeing the same. I do not know whether there is any question of competition or tender here. It is a case of really purchasing a book after publication.

MR. K. MADHAVAN PILLAI (*Trivandrum cum Neduvangad*): Is the member aware that Mr. N. Krishnaswamy Aiyar has completed his full course of study in the Law College?

MR. V. SUBBA AIYAR [*Nominated (Deputy President)*]: Probably so. If there is nothing to be said against the contents of the book or the way in which it is got up--

MR. M. SUBRAHMANYA PILLAI (*Agastiswaram*): Is there anything to prevent a new publisher to publish it again?

MR. V. SUBBA AIYAR [*Nominated (Deputy President)*]: He will burn his fingers. He won't be able to sell it.

For these reasons, *viz.*, there is the necessity for the book, the book is all that is desirable and the price is not exhorbitant, I do not think there is any case for discussing it here. But, as I said at the outset, if Mr. Piraviperumal Pillai's intention is to make it appear that he opposed this motion because the election is fast approaching, I sympathise with him and I hope he will come out successful.

MR. M. SIVATANU PILLAI (*Tovala*): Sir, I also wish to say a few words on this motion. Of course, the distinguished Deputy President had occasion to pull up the distinguished member for the South Travancore commercial constituency and make him aware of the prospect of an election the result of which may perhaps be ominous or otherwise. Nevertheless, the Deputy President must understand that Mr. Piraviperumal Pillai represents a constituency which has got shrewdness, which has got business point of view and which is more or less the only single constituency which commands the economic position.

MR. V. SUBBA AIYAR [*Nominated (Deputy President)*]: A word of explanation. I never said anything against his constituency. I only repeated what was said on this side of the House.

MR. M. SIVATANU PILLAI (*Tovala*): What I wish to stress is that Mr. Piraviperumal Pillai looks at this question from the point of view of pure business. If Mr. Subba Aiyar's point of view is accepted, the necessary logic will be that there is nothing new or nothing to be accepted as regards the principle of inviting tenders. Any business to be undertaken either by Government or by people in relation to Government must be done from the point of view of pure business, and that is by giving opportunities for more than one single individual to come into the field and offer tenders, thereby creating a situation wherein the best man will come forward with less profit than others; so from this point of view Mr. Piraviperumal Pillai's position is clearly

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understandable. It is not only from his responsiveness to his constituency but also from business point of view that his position is quite acceptable. But the matter for grievance as suggested by Mr. K. P. Nilakanta Pillai is that the Government ought to have given room for more than one person. If the Government are to be satisfied with the get-up of the publication and all those things necessary for the publication of those books, certainly more than one publisher would have undertaken it, if the Government had given out their intention of purchasing 800 copies. I do not think that Mr. Subba Aiyar suggested that capacity and talent has been the monopoly of one single individual or another. That is why I interrogated him; if there is more than one single individual and if there were several tenderers undertaking to satisfy the Government in whatever way the present publishers do, the Government would have stood to gain by giving room for competition. One business man may be satisfied with less profit than another. If there is no competition in business, business is nothing. That is the point which has persuaded Mr. Piraviperumal Pillai to stress his position and to oppose the demand before the House.

MR. S. PIRAVIPERUMAL PILLAI (*Commerce and Industry, South*): What does the member say in regard to the principle of the Government purchasing it?

MR. M. SIVATANU PILLAI (*Tovala*): I do not think it necessary for me to go into the detailed aspect of the question. Mr. Subba Aiyar was consciously or unconsciously misunderstanding Mr. Piraviperumal Pillai. It is not the question of the individual capacity of the publisher or otherwise. It is the question of business whereby tenders may be invited and Government may be enabled to buy the books at a cheaper rate. That is the point of view that I wish to bring to the attention of the House. The position taken by Government in the matter of undertaking with the publishers to purchase 800 copies, perhaps after they are satisfied with the get-up or before they are satisfied with the get-up, is highly reprehensible. Because, as it is, people who are willing to come into the field for competition are really prevented. Further, it is a matter involving the expenditure of money and we can very easily expect that there may be other people who may be satisfied with less profit than the profit that will accrue to the present publishers. For these reasons I oppose the Demand.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): Is there necessity for volumes which are not published but are expected to be published?

MR. M. SIVATANU PILLAI (*Tovala*): Though I failed to express my opinion in regard to that, I may say that these things cannot be brought up properly under supplementary demands. This could have been very well anticipated at the time the Budget was prepared. This is not an emergent thing. This was not brought to the attention of the House at the time of the Budget and this cannot be brought under supplementary demand, on these grounds. On the merits of the question also I may say that the Government purchasing these 800 copies without letting the public know of it, without competitors knowing anything about it, is highly reprehensible.

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MR. T. P. RAMASUBBA AIYAR (*Ag. Chief Secretary to Government*): Sir, I wish to say a few words. Firstly I would correct Mr. G. Raman Menon when he said that this was a Government publication. This was no Government publication at all. It is purely a private publication.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): Neither can they purchase their own publication.

MR. T. P. RAMASUBBA AIYAR (*Ag. Chief Secretary to Government*): Yes.

The old set of Regulations and Proclamations ended with the year 1095. It will also be noted that several Regulations were passed after that year and several Regulations were drastically amended.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): May I remind the member that the members on this side opposed not on the merits of the publication?

MR. T. P. RAMASUBBA AIYAR (*Ag. Chief Secretary to Government*): I am answering member by member. Mr. G. Raman Menon said that the Government should not accept the publication. It was purely a spontaneous offer which came to Government from Mr. Krishnaswami Aiyar and Mr. Ramalingom Aiyar. They said they would bring the Regulations and Proclamations up-to-date, subject to Government taking a few copies. The offer came spontaneously. Government laid down very stringent conditions and provided adequate safeguards to see that the volumes are useful.

MR. S. PIRAVIPERUMAL PILLAI (*Commerce and Industry, South*): What will they get in return for the copyright.

MR. T. P. RAMASUBBA AIYAR (*Ag. Chief Secretary to Government*): There is no copyright.

MR. S. PIRAVIPERUMAL PILLAI (*Commerce and Industry, South*): Can any member republish it?

MR. T. P. RAMASUBBA AIYAR (*Ag. Chief Secretary to Government*): Yes. Under the rules as they stand now, Mr. Piraviperumal Pillai could himself have published them. It is open to Mr. Piraviperumal Pillai or to Mr. Nilakanta Pillai to have brought out these publications. But in the present instance Messrs. Krishnaswami Aiyar and Ramalingom Aiyar came up to Government with this request that a similar encouragement as was given to the former publisher *viz.*, the purchasing 1000 copies, be also extended to them. If the Government guarantee to take a few copies, they said they would publish them.

MR. M. SIVATANU PILLAI (*Tovala*): Was there any necessity for it at the time of the offer?

MR. T. P. RAMASUBBA AIYAR (*Ag. Chief Secretary to Government*): Oh, yes.

MR. M. SIVATANU PILLAI (*Tovala*): Then could not the Government go in for the purchase of the books.

MR. T. P. RAMASUBBA AIYAR (*Ag. Chief Secretary to Government*): I am going into the history of the publication now.

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MR. M. SIVATANU PILLAI (*Tovala*): May I know whether they gave a sample book?

MR. T. P. RAMASUBBA AIYAR (*Ag. Chief Secretary to Government*): No, but the Government enforced the necessary safeguards to ensure that the publication, when issued, would be up-to-date and useful as a reference book.

MR. M. SIVATANU PILLAI (*Tovala*): Could not the Government publish the necessary conditions and then invite the people to take it up.

MR. T. P. RAMASUBBA AIYAR (*Ag. Chief Secretary to Government*): In the case of a publication of this kind it is not the proper course. It is not a case of calling tenders for a particular kind of blank paper. The previous Rugulations were a mere compilation. The publication might be brought out in several ways.

MR. M. SIVATANU PILLAI (*Tovala*): May I know whether the member is aware of tenders?

MR. T. P. RAMASUBBA AIYAR (*Ag. Chief Secretary to Government*): I am aware of tenders. Tenders, if called for, may go to reduce the quality of the book. As Mr. Subba Aiyar clearly explained, this is a case of publishing a book.

MR. M. SIVATANU PILLAI (*Tovala*): Government had no idea at that time when the offer was accepted by the Government?

MR. T. P. RAMASUBBA AIYAR (*Ag. Chief Secretary to Government*): What idea?

MR. M. SIVATANU PILLAI (*Tovala*): Idea as to their satisfaction.

MR. T. P. RAMASUBBA AIYAR (*Ag. Chief Secretary to Government*): How can they have any idea as to whether it will be useful, before it was published?

MR. M. SIVATANU PILLAI (*Tovala*): Is it like going to a shop without knowing what should be purchased?

MR. T. P. RAMASUBBA AIYAR (*Ag. Chief Secretary to Government*): Please hear me further.

MR. M. SIVATANU PILLAI (*Tovala*): Could not such a thing be anticipated?

MR. T. P. RAMASUBBA AIYAR (*Ag. Chief Secretary to Government*): Yes.

MR. M. SIVATANU PILLAI (*Tovala*): Could not such aniticipation be published?

MR. T. P. RAMASUBBA AIYAR (*Ag. Chief Secretary to Government*): It is not necessary to publish it. The Government prescribed certain conditions and the publishers agreed to all those conditions.

MR. M. SIVATANU PILLAI (*Tovala*): May I know whether other people would not have taken it up on those conditions?

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MR. T. P. RAMASUBBA AIYAR (*Ag. Chief Secretary to Government*): May or may not have. It may have the effect of stunning the public. It was not a secret at all.

MR. M. SIVATANU PILLAI (*Tovala*): Does the member think that it had sufficient publication ?

MR. T. P. RAMASUBBA AIYAR (*Ag. Chief Secretary to Government*): I do not say that.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): Are the Government aware that they were conducting the *Critic* ?

MR. T. P. RAMASUBBA AIYAR (*Ag. Chief Secretary to Government*) : That question was sufficiently answered.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): Why did they not publish it in that paper ?

MR. T. P. RAMASUBBA AIYAR (*Ag. Chief Secretary to Government*): I have not gone through all the papers. They were allowed to publish the Regulations subject to the following condition :—

'Each volume of the publication should contain a foreword from a distinguished lawyer in Travancore in the form that he is satisfied as to its completeness, accuracy and value as an authorised reference book.'

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): Did the Government expect that these volumes would be published during the current year ?

MR. T. P. RAMASUBBA AIYAR (*Ag. Chief Secretary to Government*): Yes.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): Then why was it not included in the current year's budget ?

MR. T. P. RAMASUBBA AIYAR (*Ag. Chief Secretary to Government*): The first volume was ready before then. We did not know when the second and third volumes will be coming in.

MR. S. PIRAVIPERUMAL PILLAI (*Commerce and Industry, South*): May I know when the payment for the first volume was made ?

MR. T. P. RAMASUBBA AIYAR (*Ag. Chief Secretary to Government*) : I cannot say the date exactly.

MR. S. PIRAVIPERUMAL PILLAI (*Commerce and Industry, South*): Approximately, was it after the Budget Session or before ?

MR. T. P. RAMASUBBA AIYAR (*Ag. Chief Secretary to Government*): This year.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): Was it met from Demand XXII ?

MR. T. P. RAMASUBBA AIYAR (*Ag. Chief Secretary to Government*) : Yes.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*) : May I know how was it that from Demand XXII Rs. 8,000 for the purchase of 800 copies was met ? Under Miscellaneous there is a provision of Rs. ·47 lakhs. Out of that Rs. 8,000 was met. How was it that the Government met this out of that grant ?

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MR. T. P. RAMASUBBA AIYAR (*Ag. Chief Secretary to Government*): The member will see that under 38. Miscellaneous—Miscellaneous, there is Rs. 15,000 for unforeseen items. It was met from that item.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): May I know whether anything more than Rs. 100 was put in under Demand XXIII? At page 172 of the Budget even a small item of Rs. 200 was anticipated and put in there. How was it possible for the Government to divert this amount?

MR. T. P. RAMASUBBA AIYAR (*Ag. Chief Secretary to Government*): Item No. 19 under 38 Miscellaneous—Miscellaneous does not cover any specific item.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): What about item 19?

MR. T. P. RAMASUBBA AIYAR (*Ag. Chief Secretary to Government*): The amount was drawn from this item.

The next condition was that 'the get-up of the volumes must be the same as in the case of the existing edition and each volume should be separately priced; the suitability of the get-up and the sale price of each volume will be subject to the approval of Government.

MR. M. SIVATANU PILLAI (*Tovala*): Does not that condition obtain in all tenders?

MR. T. P. RAMASUBBA AIYAR (*Ag. Chief Secretary to Government*): May or may not.

MR. M. SIVATANU PILLAI (*Tovala*): What are the special circumstances that persuaded the Government not to adopt the usual method?

MR. T. P. RAMASUBBA AIYAR (*Ag. Chief Secretary to Government*): The publishers agreed to these conditions. They were all one sided as Mr. Subba Aiyar said; and the Goverument were satisfied that they were ample safeguards.

MR. M. SIVATANU PILLAI (*Tovala*): Does it not behove the Government to see whether there are others to meet those conditions or not?

MR. T. P. RAMASUBBA AIYAR (*Ag. Chief Secretary to Government*): That was not necessary. These were the first applicants and their offer was accepted.

The next condition is 'if the conditions set forth above are fully complied with and Government are themselves satisfied as to the suitability of the publication and its sale price, they will purchase, at the price approved by Government, not less than 800 copies of each volume'. It was merely a private enterprise.

MR. S. PIRAVIPERUMAL PILLAI (*Commerce and Industry, South*): May I know whether when the allotment under XIX Miscellaneous or XXII Miscellaneous was asked for in this Council the Government had any idea of purchasing these?

MR. T. P. RAMASUBBA AIYAR (*Ag. Chief Secretary to Government*): No.

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MR. S. PIRAVIPERUMAL PILLAI (*Commerce and Industry, South*): When did the Government purchase all these volumes?

MR. T. P. RAMASUBBA AIYAR (*Ag. Chief Secretary to Government*): After the Budget and before the next meeting of the Council. So the funds were available, and before the next Council Government had to pay them.

MR. S. PIRAVIPERUMAL PILLAI (*Commerce and Industry, South*): My question is not understood. When was the first undertaking with the publishers?

MR. T. P. RAMASUBBA AIYAR (*Ag. Chief Secretary to Government*): At the time the undertaking was made there was no knowing when the publishers will publish the volumes. There is no occasion to ask for funds when there was no real need.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): Is there any agreement that if the volumes as soon as they are published are not immediately paid for the Government stand to lose on that?

MR. T. P. RAMASUBUA AIYAR (*Ag. Chief Secretary to Government*): I do not quite follow.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): Do the Government stand to lose anything by that?

MR. T. P. RAMASUBBA AIYAR (*Ag. Chief Secretary to Government*): The publishers are entitled to the money for the books.

MR. S. PIRAVIPERUMAL PILLAI (*Commerce and Industry, South*): Even for books not published.

MR. T. P. RAMASUBBA AIYAR (*Ag. Chief Secretary to Government*): We are not bound to pay. The second volume is before the Government and we have to pay.

MR. S. PIRAVIPERUMAL PILLAI (*Commerce and Industry, South*): Am I to understand that the next volume will come up before the next Council?

MR. T. P. RAMASUBBA AIYAR (*Ag. Chief Secretary to Government*): There will be no Council meeting before then. That is why this is asked for now. They will be paid only if the books are published. Even then, only if the Government are satisfied with the publication, they will take 800 copies; and each volume has to be priced separately and each volume has to be accompanied by a foreword by a distinguished lawyer. Two volumes have seen the light of day. I do not think that there is any difference of opinion as regards the quality of the publication. Since these gentlemen came first they were given the offer. I therefore think that the offer was quite favourable to Government and I trust that the House will sanction the grant.

MR. G. RAMAN MENON (*Mavelikara cum Kartikapalli*): May I know whether the Government were not formerly in the habit of collecting all these Regulations and Proclamations periodically and issuing them to the public?

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MR. T. P. RAMASUBBA AIYAR (*Ag. Chief Secretary to Government*): Each of these Regulations is separately held for sale in the Government Press.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Sir, I should like to say one word. No criticism has yet been offered in regard to the merit or worth of the book itself or the reasonableness of the price fixed for it. As I understand it, the criticism is this, why were no tenders publicly called for for the performance of the work? I could understand that a public tender may be called for if the service required is merely a mechanical one. If you want 500 cocoanuts or 500 mangoes you can call for public tenders for their supply.

MR. S. PIRAVIPERUMAL PILLAI (*Commerce and Industry, South*): Why not for binding a book?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Yes, that is a mechanical work; but not for producing a thing where individual judgment and individual discretion are required. In the production of this work much judgment and much discretion are required. The chaff has to be eschewed and the grain put in and all this has to be done in a methodical manner. The more judgment and discretion are exercised on this, the more will it add to the value of the work. You cannot specify these by definite descriptions to be tested by mechanical tests and it will not be possible to call for the supply of the judgment and discretion by public tenders. Now I shall illustrate my point by another example. If there are, say, fever patients to be treated, you may call for the supply of tons of quinine on public tenders. But you cannot think of calling for tenders for the supply of the best doctor to administer the quinine. The former is a mere mechanical service. The latter is not.

MR. M. SIVATANU PILLAI (*Tovala*): Are there not cases of rejection in those instances?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): May or may not be. But where individual discretion and judgment are of the essence of a service, you cannot put it to public tenders.

MR. S. PIRAVIPERUMAL PILLAI (*Commerce and Industry, South*): The Government can buy them and use quinine.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Yes. But does the member expect that I will call by public tenders the services of a doctor to use the quinine.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): Do not patients go to the best doctors?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Quite so. But they do not advertise for it, nor call for it by public tenders. The present case is exactly like that. You cannot describe by definite specifications what you want. All the necessary things should be there but not the unnecessary. And then all in an order. You cannot express all these things in an advertisement by saying, let

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[Mr. Kayalam Paramesvaran Pillai.]

all the Regulations and Proclamations be there. No. You cannot stop there. You have to say, further let all the Rules also be there. We cannot stop there too. There are the Council debates the rulings, the history, the comparative study ; and all such sort of things. And all these in a particular arrangement decided by the publishers. How can you specify these and then test the service by mechanical tests.

MR. M. SIVATANU PILLAI (*Tovala*): Is not the member aware of the conditions published page after page in the Gazette?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Yes— and that is the point. Here we have not merely the rules but more things in quality and quantity.

MR. M. SIVATANU PILLAI (*Tovala*): Could not an illustrated form of this tender be published?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): How is it possible? The value of the work will depend on the judgment characteristic of each individual and that can be decided after seeing the work. But how to specify these things in an advertisement calling for tenders?

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): What was the original idea in publishing these? Why was that not published?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): That question does not arise at all. A gentleman came forward and said 'I will produce a book. You value the book after seeing the production'. That is the most natural arrangement in such matters. The Government satisfy themselves and then value the publication according to the merit of it.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): Is it not possible to imagine a better production from other persons as well?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Anything may be imagined. But all those things do not arise. The value is fixed for the work produced. If the work is better the work will be valued more and more will have to be paid.

MR. S. PIRAVIPERUMAL PILLAI (*Commerce and Industry, South*): As soon as the Government received the offer from publishers about the publication, could not the Government say that they would wait for three months to see whether there are other persons to make a similar offer?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): The principle of inviting public tenders cannot apply at all. The whole question depends upon the judgment and discretion of each individual to be tested and valued only after the production.

MR. K. SIVARAMA PANIKKAR (*Shertallai*): Does the member think that the publishers in this instance are the best men available?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I am not concerned with that question at all. It has been

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conceded that the book has worth and the value fixed is not unreasonable.

MR. K. MADHAVAN PILLAI (*Trivandrum* cum *Neduvangad*): Then you say that the present publishers are the best available men—

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Yes. The best available so far.

MR. K. SIVARAMA PANIKKAR (*Shertallai*): Is the Government prepared to accept the offer of taking 800 copies, if another better man comes in the field and publishes them in a better and cheap method?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I am not concerned with that point. I am only answering the question raised by the other side as to why the Government did not invite public tenders for the production of the book.

MR. K. SIVARAMA PANIKKAR (*Shertallai*): Does not the member think that other men are also capable of using sufficient discretion? Does the member think that the present publishers have used sufficient discretion?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Government have satisfied themselves and fixed the value in accordance with the satisfaction given.

MR. K. SIVARAMA PANIKKAR (*Shertallai*): Are there not others who can use more discretion in this matter?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I cannot say and that question does not arise.

MR. M. SIVATANU PILLAI (*Tovala*): The House is more concerned with the particular arrangement adopted in the question of publication, and not with abstract theories.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Quite so. I am only saying that the device of calling for tenders is not feasible.

MR. S. PIRAVIPERUMAL PILLAI (*Commerce and Industry, South*): Is there any difficulty in drafting notification?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I have explained the point fully. If the member thinks that the difficulty is one of drafting, I have nothing else to say. Other members, I am sure, will not understand it like that.

MR. K. MADHAVAN PILLAI (*Trivandrum* cum *Neduvangad*): Did you ever invite tenders for the supply of common sense?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): No; not at all.

MR. A. K. PILLAI (*Karunagapalli*): Will it be on the part of wisdom to call for public tenders if there is infinite scope for improvement?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): No; absolutely not.

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MR. S. PIRAVIPERUMAL PILLAI (*Commerce and Industry, South*): May I know why the Government did not depute a Special Officer and get these things printed from the Government Press?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): That is a different question.

MR. S. PIRAVIPERUMAL PILLAI (*Commerce and Industry, South*): Government would get a substantial profit if they had deputed a Special Officer for that purpose—

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I am not at all sure. However, what the other side of the House wants to know is why public tenders were not invited? The value of the book has been admitted.

MR. M. SIVATANU PILLAI (*Tovala*): *All* the members on this side of the House did not say that. Only some are satisfied with the value and good contents of the book.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): At least a considerable number were saying that the book was a valuable one.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): May I know whether the Volumes already published have been accepted by Government as authorised publication?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I do not understand what my friend means by authorised publication. In the strict sense they are not. The authorised publication of a Regulation is the Gazette publication.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): Is the member aware of resolutions passed in the Imperial Legislature prohibiting all unauthorised publications of Law Reports?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): That refers to law reports and has nothing to do with a work of this sort.

MR. M. SIVATANU PILLAI (*Tovala*): May I know what is the precedent under these circumstances?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): So far as I know public tenders are not called for works when individual judgment and individual discretion are involved in a peculiar manner.

MR. G. RAMAN MENON (*Mavelikara cum Kartikapalli*): May I know whether the Government is not bound to give public notice when they make a departure from the ordinary way in which they issue these publications?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Government have not issued these publications at all and there is no ordinary way except by publications in the Gazette. If for example this book is cited as an authority in a Court of Law it is open to it to look into the Regulation or Proclamation as originally published and see whether the book is correct.

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MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): May I know whether the opinion of the High Court was invited in regard to this matter?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I do not know.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): If these are quoted in the High Court, will Their Honors accept the quotations cited in this book as authority?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Not necessarily. If doubt is felt they will look into the original Regulations or Proclamations.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): It is the usual time for lunch.

PRESIDENT: I should like to see this question is decided before lunch.

MR. S. PIRAVIPERUMAL PILLAI (*Commerce and Industry, South*): Sir, I have listened to the speeches made by the official and non-official members. Mr. Subba Aiyar began by saying that this was more or less an election speech on the eve of this Council. I only say that this is the last speech made by Mr. Subba Aiyar when he retires as Deputy President. Mr. Subba Aiyar said that calling of tenders would not be profitable to Government and that conditions which have now been imposed on the present publishers, could not be imposed on others who might have come as publishers. He also said that there would not have been people to have paid a royalty and that these would have been the best people, to take up the work. If other people had known that the Government would purchase 800 copies of these books they would have made a more favourable offer to the Government. From the very beginning I have nothing to say about the quality of the book or the price of it. Mr. Subba Aiyar said anybody who had brains could publish it. I believe there are many persons other than these publishers who have brains. Only, other people did not know that if they publish it the Government would purchase it. The purchase was the only thing kept secret by the Government. I think the Government are the largest consumers of these Regulations. On a former occasion when Mr. Pandalay was asked to publish these Unrepealed Regulations he published 1200 books and the Government purchased 1000 copies. So it is clear that the Government are the largest consumers. For that matter, if I had known that Government would purchase these books or anybody else here had known that the Government would come forward to purchase these books, if we had no brains, we would have at least borrowed brains from people who have and compiled it in the same way as Messrs. Ramalingom Aiyar and Krishnaswamy Aiyar have done it. Why the Government selected *them* we do not know. The learned Ag. Chief Secretary said they were the first applicants in the field. Many would have come forward only if they had known of it. Mr. Kayalam Paramesvaran Pillai said that in the publication of this, Government's intention was not necessary and it was fraught with difficulties in the matter of

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[Mr. S. Piraviperumal Pillai.]

drafting, wording etc. What I would have done if I had been in charge of that department would be, this. As soon as I receive the offer of Messrs. Ramalingom Aiyar and Krishnaswamy Aiyar I would publish in the Gazette as follows : "Here is an offer. They say that they will publish it if 800 copies are purchased by the Government. Are there people in Travancore or elsewhere who will do it? We are prepared to wait for three months and at the expiry of three months we will consider all the applications." The same conditions as have been imposed on these people could have been imposed on other people as well. Many people would have come if they had known it. The whole expenditure comes to about Rs. 40,000. If a Special Officer, say an Assistant Secretary or somebody could have been deputed for two, three or four years this could have been a profitable concern to Government. Mr. Ramalingom Aiyar is a retired Assistant Secretary, the other gentleman is a retired Chemistry Professor. Similar Assistant Secretaries who are in active service could have been deputed.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Will the member advocate a scheme of publishing tenders for the supply of Assistant Secretaries as well?

MR. S. PIRAVIPERUMAL PILLAI (*Commerce and Industry, South*): Yes.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): Will the member be pleased to call for public tenders to look after the duties of Assistant Secretary without any pay at all?

MR. S. PIRAVIPERUMAL PILLAI (*Commerce and Industry, South*): I think anybody who does the work will have some remuneration or other. If some officer had been deputed, I am sure the whole thing will be advantageous to Government both in the matter of price and quality of the book.

MR. S. PARAMESVARA AIYAR (*Dewan Peishkar, Trivandrum*): The scheme adumberated by the member is expensive. Is the member aware of that?

MR. S. PIRAVIPERUMAL PILLAI (*Commerce and Industry, South*): If the officer deputed is a clerk there will be less cost and if the officer deputed is a Secretary or Chief Secretary the scheme would involve more cost. This is known to all, that the higher the office the more expensive the cost and lower the office the less expensive is the cost. The Chief Secretary's letter about the question of principle gives me the following information : "With reference to your letter dated the 14th April 1928, I have the honour to inform you that on the 19th June 1926 permission was granted to Mr. N. Krishnaswami Aiyar and Mr. R. Ramalingom Aiyar to print and issue a complete and up-to-date set of the Regulations and Proclamations and the Rules and Notifications thereunder with an undertaking that Government would purchase 800 copies of each volume."

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The Government knew at that time when they gave the undertaking that they have to buy 800 copies and that the whole cost would be Rs. 40,000. This is not a trifling expenditure. Now the Government say that out of 'Miscellaneous' Rs. 15,000 or so, some money has been spent. According to usage which I quoted sometime back an amount set apart for a particular purpose cannot according to May's Parliamentary Procedure be diverted from that. It has to be restricted for such service and it could be done only for trifling expenditure. From the way in which we are having discussion here we think this is not a non-contentious service. The amount is also not trifling.

PRESIDENT: Would you kindly refer me to the particular rule in our Standing Orders.

MR. S. PIRAVIPERUMAL PILLAI (*Commerce and Industry, South*): I am quoting from May's Parliamentary practice,

PRESIDENT: I want the rules or Standing Orders relating to this Council.

MR. S. PIRAVIPERUMAL PILLAI (*Commerce and Industry, South*): That has been ruled out of order. I am speaking of the practice obtaining in other Parliaments.

MR. A. K. PILLAI (*Karunagapalli*): Is it the opinion of the member that this is a bad investment or a superfluous expenditure?

MR. S. PIRAVIPERUMAL PILLAI (*Commerce and Industry, South*): This is a superfluous expenditure and a bad investment. With regard to the principle involved nobody on the other side of the House said anything about it. I have no quarrel with the present publishers. It is not a question of the paper, calico or gilt. If I hammer a nail I charge Rs. 100. It is a question of labour. If other people had known that 800 copies of the Regulations would be purchased by the Government, they would be coming for the printing of this publication. On the whole Sir, this motion is setting a bad precedent. Tomorrow the Government may make another undertaking in respect of something else and come for an increased grant and we will be asked to vote upon that. Sir, you who are the custodian of the rights and privileges should take into consideration the expression of the elected members. Therefore I ask all the elected members to support me.

MR. V. SUBBA AIYAR [*Nominated (Deputy President)*]: So you do not want the support of nominated members.

PRESIDENT: May I know the members who are for the motion.

MR. K. MADHAVAN PILLAI (*Trivandrum cum Neduvangad*): Government members have a right to reply.

PRESIDENT: Government members do not propose to reply.

The motion was then put to the vote of the House and declared lost.

MR. M. SIVATANU PILLAI (*Tovala*): I demand a poll.

A poll was taken with the following result.

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AYES—5.

1.	Mr. G. Raman Menon	4.	Mr. S. Piraviperumal Pillai
2.	Mr. K. P. Nilakanta Pillai	5.	Mr. N. K. Krishna Pillai
3.	Mr. M. Sivatanu Pillai		

NOES—30.

1.	Mr. I. C. Chacko	15.	Mr. A. Vipan
2.	Mr. R. Dhanukoti Pillai	16.	Mr. Paul Daniel
3.	Mr. P. Gomatinayagom Pillai	17.	Mr. C. V. Kunjuraman
		18.	Mr. T. Kumara Pillai
4.	Mr. P. N.Krishna Pillai	19.	Mr. L. A. Lampard
5.	Dr. N. Kunjan Pillai	20.	X. G. Lopez
6.	Mr. T. K. Madhavan Nayar	21.	Mr. K. Madhavan Pillai
7.	Mr. Kayalam Paramesvaran Pillai	22.	Mr. K. C. Mammen Mappillai
		23.	Mr. R. Padmanabhan
8.	Mr. S. Paramesvara Aiyar	24.	Mr. A. K. Pillai
9.	Mr. W. H. Pitt	25.	Mr. V. Subba Aiyar
10.	Mrs. M. Poonen Lukose	26.	Mr. S. Subrahmanya Karayalar
11.	Mr. K. N. Ramasubba Aiyar		
12.	Mr .T. P. Ramasubba Aiyar	27.	Mr. M. Subrahmanya Pillai
13.	Rao Bahadur K. V. Rangaswami Aiyangar	28.	Mr. C. P. Tarakan
		29.	Mr. C. P. Thomas
14.	Mr. S. C. H. Robinson	30.	Mr. K. K. Thomas

NEUTRALS—9.

1.	Mr. K. I. Joseph	6.	Mr. M. N. Pillai
2.	Mr. C. P. Kochukunju Pillai	7.	Mr. R. Raman Pillai
3.	Mr. G. Narayana Pillai	8.	Mr. K. Sivarama Panikkar
4.	Mr. Kallur Narayana Pillai	9.	Mr. C. N. Tuppan Namputiri
5.	Mr. P. K. Narayana Pillai		

The motion was declared lost.

The Council Adjourned for lunch at 2-30 P. M. and met again at 3-8 P. M.

THE MINES AND MINERALS BILL.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): The next subject is the passing of the Travancore Mines and Minerals Bill settled by the Council. But, before I make the motion for that, I have some amendments to move which are more or less of a formal nature. One clause was added during the second reading of the Bill, namely, Clause 25, and therefore the references to the Clauses coming after that have to be changed. Some amendments have therefore to be moved in that respect. I shall formally move them one by one.

Clause 7.

The first is in regard to Clause 7 and my motion is

In para 2, for the figures '29' substitute the figures '30'.

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